

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 LAS VEGAS SUN, INC., a Nevada corporation,  
6 Plaintiff,

7 vs.

8 SHELDON ADELSON, an individual and as the  
9 alter ego of News+Media Capital Group LLC and  
10 as the alter ego of Las Vegas Review Journal,  
11 Inc.; PATRICK DUMONT, an individual;  
12 NEWS+MEDIA CAPITAL GROUP LLC, a  
13 Delaware limited liability company; LAS  
14 VEGAS REVIEW-JOURNAL, INC., a Delaware  
15 corporation; and DOES, I-X, inclusive,

16 Defendants.

2:19-cv-01667-GMN-VCF

17 **ORDER RE PLAINTIFF'S RENEWED**  
18 **MOTION TO RECONSIDER**  
19 **BASED ON NEW EVIDENCE (#398)**

20 LAS VEGAS REVIEW-JOURNAL, INC., a  
21 Delaware corporation,

22 Plaintiff,

23 vs.

24 LAS VEGAS SUN, INC., a Nevada corporation;  
25 BRIAN GREENSPUN, an individual and as the  
alter ego of Las Vegas Sun, Inc.; GREENSPUN  
MEDIA GROUP, LLC, a Nevada limited liability  
company, as the alter ego of Las Vegas Sun, Inc.,

Defendants.

Plaintiff's Renewed Motion to Reconsider Previous Discovery Rulings Based on New Evidence  
(Doc. 398) came on for hearing before the undersigned Special Master on July 27, 2021.

1 By this Motion, Plaintiff seeks Reconsideration of two prior discovery rulings entered by  
2 Magistrate Judge Brenda Weksler and set forth in the transcripts of proceedings conducted on July 23,  
3 2020, and November 13, 2020 (Docs. 102 and 222). The July 23<sup>rd</sup> proceedings contained Judge Weksler's  
4 Orders regarding Plaintiff's Motion to Compel Production of Documents by Defendants (Doc. 76) filed  
5 June 23, 2020, which had been heard by Judge Weksler on July 20, 2020 (Doc. 100). The November 13<sup>th</sup>  
6 proceedings contained Judge Weksler's Orders regarding Plaintiff's Second Motion to Compel Production  
7 of Documents by Defendants (Doc. 136) filed September 15, 2020, which was heard by Judge Weksler  
8 on November 13, 2020 (Doc. 220).

9 The prior rulings by Judge Weksler addressed a wide variety of discovery issues related to  
10 numerous Rule 34 Requests for Production propounded by Plaintiff. Only one ruling is placed at issue by  
11 Plaintiffs Renewed Motion.

12 Plaintiff specifically focuses on Judge Weksler's Order providing that Defendants should produce  
13 documents or communications containing "directives from Mr. Adelson" relevant to Plaintiff's alter ego  
14 claim. Judge Weksler explained that by "directives" she was referring to "direct" or "express" directives,  
15 and not to "indirect directives," because Plaintiff Sun had not "sufficiently analyzed that argument." (Doc.  
16 222 at p. 18, l. 16-18). Judge Weksler repeated this Order with respect to several of the Requests for  
17 Production at issue. (Doc 222 at pp. 18 – 22).

18 When asked by Counsel for Plaintiff whether Plaintiff would have leave to renew its requests  
19 "following deposition testimony or other information that's revealed," Judge Weksler stated Plaintiff  
20 could do so. (Doc. 222 at p. 22, l. 18-25).

21 Thereafter, at a hearing before Judge Weksler on January 5, 2021, Plaintiff sought reconsideration  
22 (Docs. 297 and 303). However, before the issue of reconsideration could be resolved, Judge Weksler  
23 recused from further participation in this case on January 22, 2021. (Doc. 325). Upon reassignment,  
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1 Magistrate Judge Cam Ferenbach directed the Parties to Meet and Confer on the matter. Counsel's efforts  
2 at resolution were unsuccessful and Plaintiff filed this Renewed Motion.

3 At the July 27, 2021, hearing, Plaintiff acknowledged that Judge Weksler's Orders of July and  
4 November 2020 were appropriate based on the "then-available proof." Plaintiff contends, however, that  
5 circumstances changed when Defendants produced the "Adelson Employment Agreement" dated  
6 February 11, 2016, which designated Adelson as the "Co-Publisher of the Review-Journal," and conferred  
7 authority on Adelson "to provide editorial advice and assistance to the President and Publisher and other  
8 editorial employees and contributions to the Las Vegas Review-Journal concerning the direction of the  
9 Newspaper," and other topics.

10 Additionally, Plaintiff contends it has obtained evidence showing that Mr. Adelson controlled the  
11 Review-Journal through third party proxies including executives and employees of the Adelson "family  
12 office," (Adfam).<sup>1</sup>

13 Plaintiff argues that this evidence discovered since the rulings of July and November 2020 supports  
14 Plaintiff's instant Motion pursuant to Rule 60(b) because it shows that Mr. Adelson "was so directly and  
15 indirectly entangled in the business of the Review-Journal that there is no separation between himself and  
16 that business." Therefore, Plaintiff seeks reconsideration of Judge Weksler's prior rulings to expand them  
17 to require that the previously ordered production of documents or communications containing direct or  
18 explicit directives, also include "indirect directives" from Mr. Adelson.

19 Defendants respond that they have already produced all documents containing directives from Mr.  
20 Adelson as ordered by Judge Weksler, including those communicated through or by third persons at the  
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24 <sup>1</sup> Indeed, the third motion argued at the hearing conducted on July 27, 2021, was  
25 Plaintiff's Renewed Motion to Compel Compliance with Interface Operations LLC DBA  
Adfam's Subpoena (Doc. 403).

1 request of Mr. Adelson's. This is illustrated by the following colloquy between Counsel for Defendant  
2 and the Special Master:

3 "SPECIAL MASTER PRO: If Mr. Adelson did not send a direct explicit  
4 communication to Mr. Vega to do something; instead, Mr. Dumont sends  
5 the directive, the email, to Mr. Vega to do X. But that communication  
6 expresses something along the following: 'Mr. Adelson has asked me to  
7 have you do X, Mr. Vega.'

8 Would that then be a direct directive from Mr. Adelson? Or would that be  
9 an indirect directive?

10 MR. STONE: I understand now your Honor's question more clearly. That  
11 would be indirect proof of a directive by Mr. Adelson. And we have agreed  
12 and produced any documents by third parties that reflect a directive or  
13 request by Mr. Adelson. So, if Mr. Vega said, 'Mr. Adelson says tomorrow  
14 we're going to raise the font of the Review-Journal,' that has been produced  
15 to the extent it exists."

16 (Tr. of July 27, 2021, hearing at P. 80, L. 8-24).

17 However, in response to the same hypothetical question, Counsel for Plaintiff stated that while it  
18 may depend on who the reader is looking through the documents before they decided whether they should  
19 be produced, she would "consider that a 'direct directive' because it evidences that Mr. Adelson told  
20 someone to do something." (Tr. at P 66, L. 4-13).

21 The Parties agree that most communications with Mr. Adelson relating to the Review Journal were  
22 verbal and not through emails or writings. Therefore, such directives from Mr. Adelson may not be  
23 encompassed in a document he authored, though they might be reflected in documents prepared by others  
24 memorializing a verbal directive they had received from Mr. Adelson. Counsel for Defendants addressed  
25 this concern at the July 27<sup>th</sup> hearing as follows:

What we did provide and produce according to Judge Weksler's two orders  
was directives by Mr. Adelson contained in any documents, memos, emails,  
or third-party communications that reflected a directive by Mr. Adelson –  
so Mr. Vega saying, "Hey, Mr. Adelson says we need to do X" to a third

1 party, and Mr. Adelson was not the author, a recipient, or copied on it, but  
2 it does reflect his directive.

3 (Tr at P. 82, L. 16 – 23).

4 It therefore appears Defendants have searched for and produced the types of documents and  
5 communications sought by Plaintiff. Moreover, Plaintiff agrees that “we have received some of this  
6 information.” (Tr. p. 83, L. 21 – 22.).

7 Based upon the record before the Court, I find Plaintiff has failed to show a basis for  
8 reconsideration pursuant to Fed. R. Civ. P. 60. Therefore, Plaintiff’s Renewed Motion to Reconsider  
9 Previous Discovery Rulings Based on New Evidence (Doc. 398) must be Denied.

10 However, to eliminate confusion engendered by the use of the terms “direct directive” and  
11 “indirect directive,” I find it appropriate to clarify that responses to the outstanding Requests for  
12 Production at issue in this Motion should be provided to the extent they reflect a directive from Mr.  
13 Adelson made either directly or through a third person as illustrated by the foregoing hypothetical posed  
14 to counsel. Any such documents shall be produced within 30 calendar days of the date of this Order.

15 IT IS SO ORDERED.

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18 Dated this 18<sup>th</sup> day of August 2021.

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22 Hon. Philip M. Pro (Ret.)  
23 SPECIAL MASTER  
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